

REMARKS

By this amendment, claim 51 has been canceled, and claims 45 and 62 have been amended. Attached hereto is a marked up version of the changes made to the claims. This attachment is captioned, "Version with Markings To Show Changes Made".

Applicants have thoroughly considered the Examiner's remarks and present claims 45, 46, 48-50, 52, 57-62, 64, and 65 for further examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the following remarks.

Rejections based on 35 U.S.C. § 102(e)

Claims 45, 46, and 62 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Buscher et al. U.S. Patent 5,506,893. A claim is anticipated only if each and every element as set forth in the claim is disclosed, either expressly or inherently in a single prior art reference. *Verdegal Bros. v. Union Oil. Of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Applicants submit that each and every element as set forth in the recited claims is not found, either expressly or inherently, in the Buscher et al. reference. Thus, the Buscher et al. reference does not anticipate the claims.

The Buscher reference discloses a data network for accessing and reviewing a *call record* while the associated call is still in progress and/or immediately after the call has been completed. More specifically, the Buscher reference discloses providing a telephone customer access to a telephone call record during the time that an associated call is still in progress. The Examiner asserts that Buscher anticipates claims 45, 46, and 62. However, Applicants have disclosed a system and method for providing a user access over a data network to select billing records associated with *one or more telecommunication accounts*. (Application page 4, line 16). In particular, Applicants disclose accessing *individual transactions records*, including information such as the place called, account number, and cost of the transaction for a consolidated report. (Application page 33, lines 1-5).

Amended claim 45 recites, in part, "storing billing records associated with the user's telecommunications account in a data base, wherein said stored billing records include new billing records for which an invoice has not yet been issued to the user, and wherein said new billing records include *individual transaction charges* from a *plurality*

of entities." In contrast, the Buscher reference does not teach the billing records relate to charges from plurality of entities. Rather, the Buscher reference merely discloses providing a telephone customer access to a telephone call record. The Examiner's rejection of claim 45 is based, in part, on the view that accessing call records is equivalent to accessing new billing records. However, Applicants respectfully submit that such a view is contrary to the definition of the call record as set forth in the Buscher reference. The call record is described in the Buscher reference as including a calling number, a called number, a destination number, starting date and time, and duration of the call when it is terminated. (Column 2, line 58-63). The Buscher reference fails to disclose that the calling record includes charge information. In fact, the Buscher reference discloses that the toll switch (TS) 105 sends the call record to its associated billing data server 250, which then supplies the record to billing center 260. Although the Buscher reference describes the billing center as determining the cost (charges) for the call, it fails to disclose immediate access to such charging information. (Column 2, line 55-58). Moreover, Buscher et al. disclose nothing with respect to a consolidated bill with charges from a plurality of entities. Thus, the Buscher reference fails to teach every element as set forth in amended claim 45 and Applicants respectfully request that the Examiner withdraw the rejection of this claim based on this reference.

Claim 46 depends from claim 45. Hence, claim 46 is allowable over the Buscher reference for at least the same reason claim 45 is allowable over such art.

Amended claim 62 recites, in part, "wherein said new billing records include individual transaction charges from a plurality of entities." Again, the Buscher reference does not teach that billing records include charges from a plurality of entities. Thus, Buscher fails to teach each and every element of amended claim 62, and the Examiner is respectfully requested to reconsider and withdraw the rejection of this claim based on this reference.

Rejections based on 35 U.S.C. § 103(a) - Obviousness

Claims 48, 49, 51, 58, 64, and 65 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Buscher, in view of U.S. Patent 5,483,445 to Pickering. The Examiner acknowledges that the Buscher reference does not teach the billing records are

telecommunication billing records (i.e., web service, Internet service, telephone service, and pager service), but asserts that the deficiency is remedied because Pickering teaches that “the billing records are telecommunication records, web service, Internet service, and pager service.” (Office action at 4). However, “a prior art reference must be considered in its entirety, including portions that would lead away from the claimed invention.”

W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540 (Fed. Cir. 1983).

Applicants submit that the Pickering reference, when combined with the Buscher reference as suggested by the Examiner, not only fails to teach or suggest all of the features of the Applicants’ claims, but teaches away from the claimed invention. Thus, *prima facie* obviousness has not been established. See MPEP 2142 and 2143.

The Pickering reference discloses a method and apparatus whereby billing information from participating companies, or utilities, is consolidated and held in time suspense by a financial institution until all of the billing information is received. (Column 1, lines 61-64). In particular, Pickering discloses a method and apparatus where a company determines a customer’s total charge for a particular billing cycle and reports this data to a financial firm. The customer will then receive *summarized* billing information in a single billing statement at the end of that particular company’s billing cycle and/or the end of the billing cycle of the financial firms used by that company. (See Fig. 7).

In contrast, amended claim 45 recites, in part, a method for “storing billing records . . . , wherein said stored billing records include new billing records for which an invoice has not yet been issued to the user, and wherein said new billing records include individual transaction charges from a plurality of entities” and “displaying . . . the *individual transaction charges* . . . ”. (Emphasis supplied). Although the Examiner indicates that Fig. 7 of the Pickering reference teaches billing records relate to charges from a plurality of entities, when considered as a whole, Pickering fails to teach or suggest accessing individual transaction charges. Rather, Pickering teaches away from accessing such detailed records by stating “[the] data is retained in storage at central processing *until all* the billing information of the customer is received from the companies or utilities during the [financial firm’s] billing cycle, [at which time] the reported charges of the companies and utilities are processed” and a statement is

generated identifying “the *total amount* due for payment by the customer.” (Emphasis supplied) (Column 7, lines 20-35). Thus, the combination of Buscher and Pickering does not render claim 45 obvious.

Amended claim 62 recites, in part, a method for “displaying the stored billing records to the user over the data network, including displaying the individual transaction charges for which an invoice has not yet been issued to the user.” Applicants submit that the combination of the Buscher and Pickering references fail to teach or suggest displaying individual transaction charges from a plurality of entities for which an invoice has not yet been issued to the user. Accordingly, the combination of Buscher and Pickering does not render claim 62 obvious.

In view of the foregoing, Applicants respectfully submit that the Pickering reference, alone or in combination with the Buscher reference, fails to teach or suggest Applicants’ invention, as recited in amended claims 45 or 62. Indeed, the Pickering reference teaches away from accessing individual transaction charges or accessing records prior to the end of the billing cycle. Thus, one of ordinary skill in the art would not have found it obvious to modify the teachings of Buscher, or to combine the Pickering and Buscher references, to create the Applicants’ invention. Accordingly, Applicants respectfully submit claims 45 and 62 are in condition for allowance.

Furthermore, claims 48, 49, 51, and 58 are allowable as they depend from claim 45. Claims 64 and 65 are allowable as they depend from claim 62.

The Examiner also rejected claims 50 and 52 under 35 USC 103(a) as being unpatentable over Buscher, in view of U.S. Patent 5,864,613 to Flood. These claims depend from claim 45 and are believed to be allowable for at least the same reasons as claim 45.

Claim 57, 60, and 61 stand rejected under 35 USC 103(a) as being unpatentable over Buscher, in view of U.S. Patent 6,104,704 to Buhler et al. In addition, claim 59 stands rejected under 35 USC 103(a) as being unpatentable over Buscher, in view of U.S. Patent 6,377,993 to Brandt. As discussed above, claim 45 is allowable over the cited art. As such, claims 57, 59, 60, and 61, which depend from claim 45, are likewise allowable.

SUMMARY & CONCLUDING REMARKS

In view of the above, Applicants respectfully submit that claims 45, 46, 48-50, 52, 57-62, 64, and 65 are allowable and that the subject application is now in condition for allowance.

The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

Any required fees or overpayments should be applied to Deposit Account No. 19-1345.

Respectfully submitted,



Robert M. Bain, Reg. No. 36,736
SENNIGER, POWERS, LEAVITT & ROEDEL
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
314/231-5400

Express Mail Receipt No. EV 260203505 US

**VERSION WITH MARKINGS TO SHOW CHANGES MADE****IN THE CLAIMS:**

Claims 45 and 62 have been amended as follows:

45. (thrice amended) A method for providing a user access over a data network to select billing records associated with a telecommunications account of the user, the method comprising:

storing billing records associated with the user's telecommunications account in a data base, wherein said stored billing records include new billing records for which an invoice has not yet been issued to the user, and wherein said new billing records include individual transaction charges from a plurality of entities;

receiving a query containing one or more parameters from the user over the data network, the query seeking which of the billing records associated with the user's telecommunications account satisfy the one or more parameters of the query;

searching the data base for individual billing records associated with the user's telecommunications account which satisfy the one or more parameters of the query received from the user; and

displaying results of the searching to the user over the data network, including displaying the individual [billing records] transaction charges associated with the user's telecommunications account which satisfy the one or more parameters of the query received from the user.

62. (twice amended) A method for providing a user access over a data network to billing records associated with a telecommunications account of the user, the method comprising:

storing billing records associated with the user's telecommunications account in a data base, wherein said stored billing records include new billing records for which an invoice has not yet been issued to the user, and wherein said new billing records include individual transaction charges from a plurality of entities;

receiving a request from the user over the data network to view the stored billing records; and

displaying the stored billing records to the user over the data network, including displaying the [new billing records] individual transaction charges for which an invoice has not yet been issued to the user.

Claim 51 has been canceled.